

REMARKS

Reexamination and reconsideration of the subject application in light of the following remarks are respectfully requested.

In applicants' prior response it was stated that the present application claims priority back to JP 149660/1998, which antedates both of the cited references. The examiner notes in the present action that the Japan '250 and Inoi references are validly applied because a sworn English translation of the priority document has not been supplied.

Submitted herewith is a sworn declaration accompanying a translation of the priority document JP 149660/1998; also submitted is a printout from the JPO's on-line database of the priority application (published as JP 11-346051). As seen in the translations (sworn and JPO database), the priority application discloses what is alleged in the rejection to be present in the JP '250 publication: at least two pairs of output electrodes with the second electrodes kept at the same potential (e.g., claim 2; ¶0021; Fig. 1(a)). Accordingly, the rejections of claims 4-6 under §103 over JP '250, and of claims 7-9 and 12-17 under §103 over the combination of JP '250 in combination with Inoi should be withdrawn as JP '250 is not available as prior art.

With respect to the rejections over Inoi, while that reference does appear to show elastic mounting bodies, the issue is the placement of the mounting bodies. Regardless of the positions of the nodes depending on the mode of operation, the present claims define the position with respect to the entire length of the device. As argued previously, Inoi defines the placement with respect to the electrodes (and thus the nodes depending on the mode of operation), but not with respect to the length of the body. In view of the ambiguity in the reference, it would be chance occurrence, rather than a teaching from the reference, to arrive at the claimed invention. *In re Brink*, 164 USPQ 247, 249 (CCPA 1970).

It is clear that an ambiguous reference will not support a rejection for anticipation. *In re Hughes*, 145 USPQ 467, 471 (CCPA 1965). For obviousness, the question is interpreting what is "clearly disclosed" in the reference in spite of the ambiguity. *In re Lind*, 121 USPQ 222, 223 (CCPA 1959).

The disclosure of "9.5mm" as an error is not "pure speculation" as alleged in the rejection because that disclosure is the aberration countered by the more lengthly and more specific disclosure at column 10 of Inoi. While drawings are not to scale unless indicated, they are considered to be drawn with reasonable accuracy and proportion. *In re Wolfensperger*, 133 USPQ 537, 545 (CCPA 1962). The discussion in Inoi at col. 9 (ln. 29-30) says both k_1 and q_1 in Fig. 11 are 9.5 mm, yet it is clear from Fig. 11 that k_1 is significantly larger than q_1 . In Figs. 4, 5, and 8, the only figures showing the supports actually mounted on the device, the support is shown in a proportion consistent with the actual dimensions given in col. 9.

The allegation that Fig. 12, wherein the support covers the ends, "must also occupy this designated area" is contradicted by the specific disclosure of the dimensions shown in Fig. 13 and described at col. 11 (ln. 40-50): the length of the support along the axis of the transformer is 5mm (dimension u_1) and the depth of the concavity (7a) is 3mm (dimension u_2). Thus, if the same transformer having a length of 42mm is assumed, the support covers only 3mm in from each end. This distance of 3mm is consistent with the disclosure of the dimension at col. 9 in the other embodiment, and with the disclosure at col. 12 (ln. 44-42) that the depth when placed at the end should be not more than 3mm. The 3mm distance is much less than the approximately 8mm that would be required by the present claims, and Inoi specifically teaches away from making the depth sufficiently great to cover the designated area. Accordingly, this rejection should be withdrawn.